

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

TIMOTHY A. WEBB,)	
)	
Petitioner,)	
)	
v.)	Nos. 3:07-CR-115-TWP-CCS-1
)	3:16-CV-414-TWP
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION

Federal prisoner Timothy Webb (“Petitioner”) filed for post-conviction relief pursuant to 28 U.S.C. § 2255 on September 12, 2008 [Doc. 22; E.D. Tenn. Case No. 3:08-cv-377-TWP].¹ The Court denied that motion on September 20, 2011 [Docs. 27, 28]. Petitioner filed a pro se motion for extension of time to file a § 2255 petition on June 17, 2016 [Doc. 29]. Before the Court could resolve that motion, however, he submitted a second petition attacking the same criminal conviction—this time relying on *Johnson v. United States*, 135 S. Ct. 2551 (2015) [Doc. 30]. Review leads the Court to conclude counsel intended the filing to reach the Sixth Circuit.

Under the “Antiterrorism and Effective Death Penalty Act of 1996,” Petitioner cannot file a second or successive § 2255 petition in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. 28 U.S.C. § 2255(h). No such order has been received by this Court.

¹ Each document will be identified by the Court File Number assigned to it in the underlying criminal case: E.D. Tenn. Case No. 3:07-cr-115-TWP-CCS-1.

Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** the filing [Doc. 30] to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

ORDER ACCORDINGLY.

s/ Thomas W. Phillips
SENIOR UNITED STATES DISTRICT JUDGE